

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROBERT K. ARTZ,
Defendant.

Case No. CR21-154RSL

ORDER GRANTING
AGREED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendant's "Agreed Motion to Continue Trial and Pretrial Motions Due Date." Dkt. # 19. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 20, the Court finds as follows:

1. The Court adopts the facts set forth in the motion: in particular, that additional discovery is forthcoming and that defense counsel needs additional time to review, understand, and investigate the allegations and discovery supporting the allegations. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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1 3. The Court finds that the additional time requested between November 29, 2021,
2 and the proposed trial date of February 28, 2022, is a reasonable period of delay. The Court
3 finds that this additional time is necessary to provide defense counsel reasonable time to prepare
4 for trial, as defendant has requested more time to prepare for trial, to continue to investigate the
5 matter, to gather evidence material to the defense, and to consider possible defenses. The
6 additional time requested between the current trial date and the new trial date is necessary to
7 provide counsel for the defendant the reasonable time necessary to prepare for trial, considering
8 all of the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendant has signed a waiver indicating that he has been advised of his right to a
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
14 that right and consented to the continuation of his trial to a date up to and including March 14,
15 2022, Dkt. # 20, which will permit his trial to start on February 28, 2022.

16 IT IS HEREBY ORDERED that the trial date shall be continued from November 29,
17 2021 to February 28, 2022, and pretrial motions are to be filed no later than January 31, 2022;

18 IT IS FURTHER ORDERED that the period of time from the current trial date of
19 November 29, 2021, up to and including the new trial date, shall be excludable time pursuant to
20 the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and
21 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
22 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

23 DATED this 27th day of October, 2021.

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Robert S. Lasnik
United States District Judge

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